

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

GLOBE LIFE AND ACCIDENT
INSURANCE COMPANY,

Plaintiff,

v.

SHERRY STURROCK, et al.,

Defendants.

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) Civil Action No. 5:16-cv-28
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) By: Hon. Michael F. Urbanski
) United States District Judge
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ORDER

This matter was referred to the Honorable Joel C. Hoppe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition as to plaintiff Globe Life and Accident Insurance Company's ("Globe Life") motion for leave to deposit life insurance policy proceeds in interpleader, ECF No. 4. The Magistrate Judge filed a report and recommendation on September 12, 2016, recommending that the motion be granted. ECF No. 20. No objections to the report and recommendation have been filed.

The court has carefully reviewed the magistrate judge's report and finds that it should be adopted in its entirety. As such, it is hereby **ORDERED** that the report and recommendation (ECF No. 20) is **ADOPTED**, and that Globe Life's motion for leave to deposit life insurance policy proceeds in interpleader (ECF No. 4) is **GRANTED**. The court hereby **ORDERS** as follows:

1. That Globe Life shall send a check for the total benefit amount (\$20,000.00) of the Globe Modified Premium Term Life Insurance Policy, Policy Number 00-6R94321, ("Policy"), plus any accrued interest as of the date of the check, to the Clerk within 14 days of the date of this order;
2. That a copy of this order shall be enclosed with the check when it is sent to the Clerk;
3. That, upon receipt, the Clerk shall deposit the amount of the check into the court's registry;
4. That the proceeds of the check shall be held in an interest-bearing account until further order from this court.
5. That, at the time the check is sent to the Clerk, Globe Life shall file with the court an accounting of the Policy's benefits and accrued interest as of the date of the check, including the date that the interest began accruing and the applicable interest rate;
6. That Globe Life shall give notice to the defendants of the date that it sends the check to the Clerk and provide each of them with a copy of the accounting;
7. That, upon payment of the policy proceeds to the Clerk, defendants Sherry Sturrock, Ken Biggs, Malinda Biggs, Frank Biggs, and Iva Biggs-Gordon shall be and hereby are **RESTRAINED** and **ENJOINED** from instituting or prosecuting any other proceeding against Globe Life in either state or federal court with respect to the rights to the Policy proceeds and interest and any and all claims that were raised or could have been raised in the action against Globe Life relating to the policy;

8. That any person not yet joined as a party to this action who may make a claim for or be entitled to the proceeds of the Policy is joined and subjected to the preceding paragraph 7 above;
9. That, with payment of the Policy proceeds to the Clerk, Globe Life shall be and hereby is **FULLY RELEASED** and **DISCHARGED** from all further liability as to any and all claims for the proceeds of the Policy, and interest, whether by defendants or otherwise, from any and all claims related in any way to the Policy and/or the death of the named insured Peggy J. Phillips; and
10. That, with payment of the Policy proceeds to the Clerk, Globe shall be and hereby is **DISMISSED WITH PREJUDICE** as a party, with Globe Life, its employees, agents, and attorneys thereafter excused from any further attendance or involvement in the case.

The Clerk is directed to send a certified copy of this order to counsel of record and unrepresented parties.

Entered: 10-18-2016

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge